

RECEIVED

FEB 20 2024

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC

United States District Court
Eastern District of North Carolina
Western Division

5:24-CT-3044-M

Case No. _____

(To be filled out by Clerk's Office only)

MICHAEL TOWNES

(In the space above enter the full name(s) of the plaintiff(s).)

County# 365802

STATE Prison #
0410717

Inmate Number _____

COMPLAINT

(Pro Se Prisoner)

-against-

North Carolina Department of
Public safety Lieutenant EASTWOOD et. al,
OFFICER LITTLE

Jury Demand?

☒ Yes

☐ No

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

MICHAEL TOWNES
Name

STATE Prison^{opus} # 0410717 / WAKE County Detention Center # 365802
Prisoner ID #

Current location WAKE County Detention Center
Place of Detention

Craven Correctional Institution 600 Alligator Rd.
Institutional Address

Vanceboro NC 28586
City State Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☒ Pretrial detainee ☒ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: Department of Public Safety (NC prisons)
Name

Current Job Title

Craven Correctional Institution

Current Work Address

Vanceboro

City

NC

State

28586

Zip Code

Capacity in which being sued: ☒ Individual ☒ Official ☒ Both

Defendant 2: LIEUTENANT EASTWOOD
Name

LIEUTENANT at Craven correctional INST.

Current Job Title

Craven Correction ^{Inst} Institution 600 Alligator Rd.

Current Work Address

Vanceboro

City

NC

State

28586

Zip Code

Capacity in which being sued: ☒ Individual ☒ Official ☒ Both

V. STATEMENT OF CLAIM

Place(s) of occurrence: Craven Correctional Institution Pamlico
D-Block

Date(s) of occurrence: 12/18/2020

State which of your federal constitutional or federal statutory rights have been violated:

My 5th amendment & 14th amendment / Failure to Protect
Due Process equal Protection of the law.

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

ON 12/18/2020 while at Craven Correctional Institution in Pamlico D-BLOCK (dorm) I was involved in an altercation with another inmate in Pamlico D-Block. We were both pulled out of the dorm, I told Lieutenant Eastwood that this inmate keeps threatening my life. But instead of taking what I said about the inmate threatening my life seriously, Lieutenant Eastwood put me and this inmate back in the same block. (2) Hours later this same ~~inmate~~^{MT} inmate attacked me. But ~~inmate~~^{MT} Lieutenant Eastwood ~~did~~^{MT} failure to protect my safety, by ^{NOT} separating us, Lieutenant Eastwood allowed this inmate

To attack me after I made him aware of this potential and eminent threat to my safety and well being. This violate my constitutional right ~~and~~^{MT} as well as other statutory right.

What
happened
to you?

Me and ANOTHER Inmate had A Altercation. officer
Little called a code, We both were pulled out the block.
I Told Lieutenant Eastwood that this inmate keep threatening
my life. Lieutenant Eastwood put us back in the same block.
(2) Hours later the same inmate that I had an altercation with
attacked me. This inmate caused me great bodily harm. My
teeth were knocked out, I was hurt pretty bad. I had to
go to the outside Hospital in Newborn, NC after 4 days in
(MP) Segregation they put me back in the same block I
was assaulted in Pamlico's D-Block

When did it
happen to
you?

This offense Happend on 12/18/2020

Where did it
happen to
you?

This offense occurred at CRAVEN Correctional Institution
600 Alligator Rd. Vanceboro, NC 28586

What was
your
injury?

My front teeth were knocked out, I could not walk for a month, I developed blood clots in my left leg and in my lungs. Medical gave me "Ellaville" which caused a blockage in my ^{MT} urinary track I have to use an ^{MT} ~~MT~~ instrument for the rest of my life to help me urinate. This was caused by the assault and from them, medical staff prescribing me Ellaville.

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☒ Yes ☐ No

If no, explain why not:

Is the grievance process completed? ☒ Yes ☐ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want to Be Compensated for my pain and suffering through
punitive Damages and Compensatory damages in the amount
of \$ 700,000
